IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

DENSTPLY INTERNATIONAL INC. Plaintiff, v. EDGE ENDO, LLC Defendant.	Civil Action No. 16-cv-02492 JURY DEMAND

[PROPOSED] ORDER
GRANTING EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Plaintiff Dentsply International Inc.'s Motion for Temporary Restraining Order under Lanham Act, 15 U.S.C. §§ 1114 and 1125.

Upon consideration of Plaintiff's motion, the memorandum in support thereof, the Verified Complaint, and the supporting declaration and exhibits, this Court has determined that the Plaintiff has met its burden under *Winter v. Natural Res. Def. Counsel*, 555 U.S. 7 (2008) and Federal Rule of Civil Procedure 65 entitling them to the requested relief.

The Court finds that:

1. Plaintiff is likely to succeed on the merits of its Lanham Act claims. The trademark EdgePathFile is confusingly similar to Plaintiff's registered trademark PathFile and it will be used to sell competing products in the same market to the same customers.

2. Plaintiff will suffer irreparable harm in the absence of preliminary relief. Plaintiff has demonstrated through a sworn declaration, and the Verified Complaint, that as a direct and proximate result of Defendant's unauthorized use of the infringing trademark EdgePathFile, Plaintiff has suffered and will continue to suffer substantial injury and

irreparable damage to its business, reputation, and goodwill. Moreover, Defendant's use of the trademark EdgePathFile in connection with the sale, offering for sale, distribution, or advertising of competing products to those offered by Plaintiff is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32 of the Lanham Act, as amended, 15 U.S.C. § 1114. There is no apparent countervailing interest, public or private, to offset those harms.

3. The balance of equities weighs strongly in favor of granting relief. If this Temporary Restraining Order were to not issue, the Plaintiff would be harmed by having a competitor company offering an identical product under the same trademark.

4. The issuance of an injunction is clearly in the public interest. This Court has indicated that there is a likelihood that confusion would result in the absence of a restraining order, and the public is served by protecting trademarks and avoiding customer confusion. *Eli Lilly & Co. v. Natural Answers, Inc.*, 233 F.3d 456, 469 (7th Cir. 2000).

5. Edge Endo, LLC intends to debut the EdgePathFile at the Chicago Dental Society MidWinter Meeting beginning on February 25 2016, and Plaintiff did not have notice of this until the week prior. Notice was provided to Defendant and both parties have had an opportunity to be heard. The Court further finds that Plaintiffs have made a sufficient showing pursuant to Federal Rule of Civil Procedure 65(b) that the issuance of this Order, without further notice, is justified under the facts and circumstances presented in order to avoid further irreparable injury to the plaintiff

Accordingly, it is hereby **ORDERED** that:

1. Edge Endo, LLC, located at 7510 Montgomery Blvd. NE, Albuquerque, NM 87109, and its officers, directors, agents, employees, successors and assigns and all those in active concert or participation with any of them, shall immediately cease and desist from any

use of the trademark EdgePathFile, PathFile, or any variation thereof, for dental instruments, including but not limited to at the Chicago Dental Society MidWinter Meeting, occurring from February 25-27, 2016.

2. Plaintiff shall post a bond of $10,000.

3. This Temporary Restraining Order shall remain in effect until and through the date set for the hearing on the motion for preliminary injunction, or until such further date as set by the Court.

4. Pursuant to Federal Rule of Civil Procedure 65, a hearing on Plaintiff's motion for a preliminary injunction shall take place on March 2, 2016, at which time the Court will consider whether and to what extent the relief ordered herein shall continue pending a final adjudication.

Entered this ___ day of _________________, 2016
At the hour of ___ a.m./p.m.

____
U.S. District Judge